Soldiers in the Public Square: The Legacy of Newburgh

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In September 2002, as debate raged over how to deal with Saddam Hussein and Iraq, newsman Walter Cronkite called for "a wide open discussion, [a] debate in Congress that will carry over and spill over into the public as to the wisdom of the Iraqi program."[1] Such a call is not surprising, especially given that much of the debate centered on whether or not there would even be a debate. What was surprising, however, was who Cronkite held responsible for the paucity of discussion. Instead of blaming the administration, his first impulse was to criticize the U.S. military, asserting "that the military itself is saying, 'We don't need this discussion, we have made a decision. We don't need to take this to the people.'"[2] He criticized the military for abandoning what, in his view, was one of the central lessons of the Vietnam War: that America should never again wage war without clear and unequivocal public support.[3]

Cronkite's comments drew no attention at the time. Nonetheless, they warrant scrutiny, for they imply the existence of a residual misunderstanding and mistrust of the military, a vestigial remnant, perhaps, of the tumultuous Vietnam era. That such an inference is possible is a serious matter, for if such a reservoir of doubt lingers in the mind of someone as renowned as Cronkite, then it likely persists in others' minds as well.

Military Proposals

Cronkite cited no concrete evidence to support his charge of apathy on the part of military leaders toward public opinion, and anyone looking for such evidence would be hard-pressed to find it. Nothing in the public record indicates that senior uniformed military officers entertained the view that Cronkite ascribes to them. There are no speeches, no press conferences, no testimonies before Congress, no op-ed pieces or policy statements of any kind.

One might plausibly expect to glean some insight into the personal opinions of senior officers on Iraq from the testimony of a few retired generals who appeared before Congress on the matter before Operation Iraqi Freedom (OIF) began. But aside from this indirect perspective, there is really nothing out there from which anyone can draw conclusions about the personal views of any senior military leaders on political matters—and there should not be.

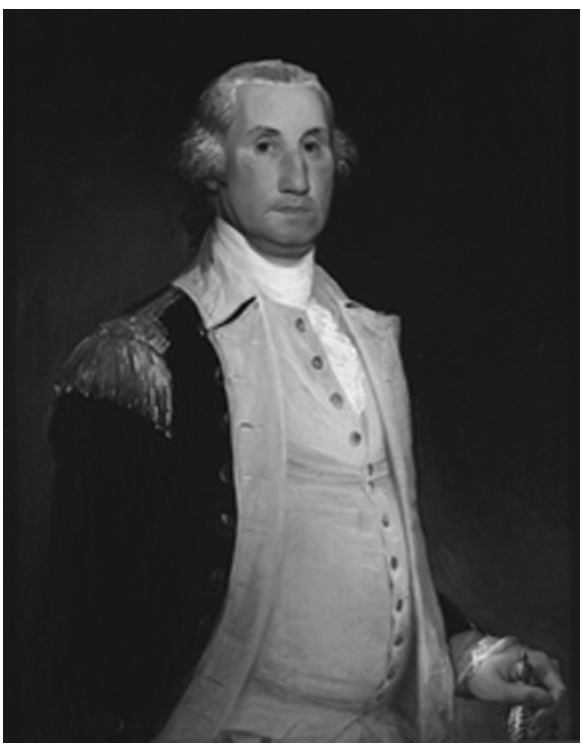
Central to Cronkite's contention seems to be the idea that it is not the responsibility of the civilian administration alone to debate foreign policy; it is also the responsibility of the uniformed military. This would ensure that no military venture or expedition would proceed unless founded on a solid public consensus in favor of the action.[4] By implication, this line of reasoning would require an active role in the metaphorical public square for senior military leaders, particularly when they face a proposed military action they perceive as being unpopular. Using this approach, if they support the action, they might even have an obligation to speak out and take to the stump to help generate the missing consensus, or if they oppose the action, to publicly air whatever doubts and fears they might have as to the wisdom of the proposed action.

Civilian Decisions

At first glance advocating for or against an action might seem appealing. After all, transparency in government and public debate of important issues are key elements of effective democracy. Journalists might find this position particularly attractive because it is their business to be conduits for debate. As appealing as some might find it, however, this position is wrong. Far from indicating a dismissive or cavalier attitude toward public opinion, the uniformed military's conspicuous absence from the Iraq debate before OIF began does not manifest a dismissive attitude toward the popular will; rather, it shows a profound reverence for the U.S. Constitution and a clear understanding of the military's responsibilities under it.

While journalists strengthen democracy by facilitating open, honest public debate, military officers do so by staying out of the political fray, except where their professional expertise and candid advice are required, and by scrupulously implementing the lawful commands of the president and his civilian defense and service secretaries. Military participation in the public debate on Iraq or any other issue as an advocate for a political position would undermine the central feature of our form of government: checks and balances.

The genius of the Constitution is that it vests in each branch of government such specifically enumerated powers as are necessary for that branch to fulfill its responsibilities. At the same time, it equips each branch with checks on the power of the other branches sufficient to keep them from running amok. This system enables the government to function effectively while preventing any one branch from accumulating so much power that it could overwhelm the others and undermine the democratic process.



George Washington (Joseph Wright and John Trumbull, 1784).

The Armed Forces are subject to checks and balances just like any other segment of government. The first such check is the power of the purse: Article I, Section 8, of the Constitution vests in Congress the power to appropriate the funds necessary to raise and support armies and navies and limits the term of any appropriation for the Army to 2 years.[5] More relevant here, however, is the check directed explicitly toward the military: Article II, Section 2, makes the president—not a uniformed officer—the commander in chief of the Armed Forces.[6] Implicit in this provision is the concept of military subordination to civil authority, a vital feature of our system of government. Perhaps the single greatest check on the power of the executive branch in general, and of the military in particular, is the deep, fundamental commitment by every U.S. military officer to the supremacy of elected civilian leaders in Congress and in the White House.

The Newburgh Conspiracy

The genesis of the military commitment to elected officials dates to the foundation of the Republic. In March 1783, General George Washington repudiated a movement by disgruntled officers of the Continental Army to compel Congress to make good on its promise of monetary compensation to the Army.[7] In the Newburgh Conspiracy, anonymous officers circulated a letter urging the Army to withdraw to the West for the duration of the war or to refuse to disband once peace was declared if Congress did not attend to the Army's grievances.[8] The disgruntled element further sought to convene a meeting of disaffected officers at which they would draft an ultimatum giving Congress a final chance to address their grievances and so avert what amounted to a threatened mutiny.[9]

Having learned of the planned meeting and its purpose, Washington quickly moved to thwart the scheme. Denouncing it as "irregular and disorderly," he quashed the assembly and convened one of his own 4 days later.[10] At this later meeting, Washington repudiated the letter and its anonymous authors, called for the Army's patience, and promised to work with Congress to procure justice for those who had served. With this momentous stand by Washington, the Newburgh Conspiracy collapsed.[11] From that time, the U.S. military has taken, as an article of faith, that its place is not to command but to obey.

Consistent with the limitations contained in the U.S. Constitution, the military's role is to faithfully execute the laws and policies of the United States as determined by the president and Congress. Senior military leaders have a constitutional obligation to provide elected leaders with candid information and advice necessary to inform policy decisions. But,

the final determination of policy and the marshalling of public support for it is the sole province of political leaders. Public advocacy of any political position by the military would erode the inspired system of checks and balances that keeps our democracy functioning. Uncompromising respect for this boundary has saved the United States from the fate of so many of its neighbors in the Western Hemisphere, where military officers have seized power from civilian governments they deemed weak or ineffective.

U.S. Military and Public Debate

To understand how inappropriate it would have been for military officers to join the public debate on Iraq, just imagine the reaction from President George W. Bush's political opponents in Congress had he employed his generals to help him make the political case for renewed war in Iraq. Outrage would have been the order of the day. Opposition leaders would have shaken angry fists at such a blatant politicization of the Armed Forces. For military officers to appeal directly to the people on a political question would fly in the face of Congress's constitutional power to govern the Armed Forces.[12]

Worse still, imagine senior military officers appealing directly to the public in *opposition* to Bush's policy. As satisfying as this might have been in the short term to opponents of the war, it would have been a disaster for the Nation. It would clearly have challenged Bush's constitutional authority as commander in chief and would, if unchecked, have gravely undermined the authority of current and future presidents over the Armed Forces.

The last general to publicly oppose a president's policy was General Douglas MacArthur, who lost his job after a public quarrel with President Harry S. Truman over the conduct of the Korean War. Truman stated: "Full and vigorous debate on matters of national policy is a vital element in the constitutional system of our free democracy. It is fundamental, however, that military commanders must be governed by the policies and directives issued to them in the manner provided by our laws and Constitution. In time of crisis, this is particularly compelling."[13]

Cronkite was right to call for a vigorous public debate on how to deal with Iraq, but it is simply wrong to expect the military to defend or oppose any political position before the public. That role is the exclusive province of democratically elected political leaders. ***MR***

NOTES

1. Walter Cronkite, interview by Larry King, on *Larry King Live,* CNN, 9 September 2002.
2. Ibid.
3. Ibid.
4. Perhaps there is more to Cronkite's criticism than meets the eye. Reading between the lines, one wonders if Cronkite suspected the military not just of disregarding public opinion but of actually being the driving force behind the movement in favor of a second war against Iraq. Clearly, senior military officers play a major role in formulating and implementing U.S. foreign policy. (For a discussion of this, see Dana Priest, *The Mission: Waging War and Keeping Peace with America's Military* [New York: W.W. Norton & Company, 2003].) This hardly leads inexorably to the conclusion that the military was the true architect of the decision to fight Saddam Hussein a second time. In fact, it is hardly axiomatic that the military would automatically support such an endeavor at all. One need only look back at General Colin Powell's initial reluctance at intervening to reverse Iraq's 1990 invasion of Kuwait to confirm this. (See Bob Woodward, *The Commanders* [New York: Simon & Schuster, 1991], 214.) As to the private views of current military leaders before Saddam's overthrow, little was said. Before the current struggle in Iraq began, many of the retired officers previously mentioned were pessimistic and predicted high casualties and a lot of trouble. Their views hardly indicate a groundswell of unequivocal military enthusiasm for a second war against Saddam.
5. U.S. Constitution, Article I: The Legislative Branch, Section 8: Powers of Congress, Clause 12, on-line at <www.usconstitution.net/const.html>, accessed 21 December 2005.
6. Ibid., Article II: The Executive Branch, Section 2: Civilian Power over Military, Cabinet, Pardon Power, Appointments, Clause 1, on-line at <www.uscontitution.net/const.html>, accessed 21 December 2005.
7. Paul David Nelson, *General Horatio Gates: A Biography* (Baton Rouge: Louisiana State University Press, 1976), 269.
8. Ibid., 273.
9. North Callahan, *George Washington: Soldier and Man* (New York: William Morrow & Company, 1972), 261.
10. Richard Norton Smith, *Patriarch: George Washington and the New American Nation* (New York: Houghton Mifflin Company, 1993), 19; Callahan, 261.
11. Nelson, 275.
12. U.S. Constitution, Article I, Section 8, Clause 14, on-line at <www.usconstitution.net/const.html>, accessed 21 December 2005.
13. Clay Blair, *The Forgotten War: America in Korea, 1950-1953* (New York: Times Books, 1987), 796.

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